

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARDELL BOYD,

Plaintiff,

V.

GEORGE A. FREDRICK,¹
Warden,

Defendant.

CASE NO. 1: 21 CV 1935

JUDGE DONALD C. NUGENT

MEMORANDUM OPINION
AND ORDER

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jennifer Dowdell Armstrong. The Report and Recommendation (ECF # 12), issued on April 14, 2024, is hereby ADOPTED by this Court. Petitioner filed this action requesting a writ of habeas corpus pursuant to 28 U.S.C. §2254, challenging the constitutionality of the sentences imposed following his plea of guilty to two counts of felonious assault and single counts of domestic violence, abduction, attempted aggravated arson, and aggravated menacing.

Magistrate Judge Armstrong recommends that the Petition be dismissed and/or denied and that a certificate of appealability be denied. The Petitioner did not file any objections to the Report and Recommendation, nonetheless, the Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999). The Magistrate's Report and Recommendation fully and correctly addresses all of

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George A. Fredrick is now Warden of Marion Correctional Institute where Petitioner is incarcerated. Accordingly, Mr. Fredrick is substituted as the proper Respondent in this case. See 28 U.S.C. § 2243; Fed. R. Civ. P. 25(d).

the arguments raised by the parties, and properly and justly analyzes the applicable law. This Court, therefore, adopts the Magistrate's Report in its entirety. Further, for the reasons stated in the Magistrate Judge's Report and Recommendation, a reasonable jurist could not conclude that dismissal or denial of the Petition is in error or that Petitioner should be permitted to proceed further. Accordingly, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: June 4, 2024